

**STATE OF TENNESSEE**

**PUBLIC CHAPTER NO. 599**

**HOUSE BILL NO. 1777**

**By Representative Hackworth**

Substituted for: Senate Bill No. 2000

By Senators Haynes, Kyle

AN ACT to amend Tennessee Code Annotated, Title 50 and Title 56, relative to workers' compensation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-6-102(13)(B) is amended by deleting the word "and" following the semicolon at the end of the subdivision.

SECTION 2. Tennessee Code Annotated, Section 50-6-102(13)(C) is amended by adding the word "and" following the semicolon at the end of the subdivision.

SECTION 3. Tennessee Code Annotated, Section 50-6-102(13) is amended by adding the following language as a new subdivision:

(D) For injuries occurring on or after July 1, 2009, the maximum total benefit shall be four hundred (400) times one hundred percent (100%) of the state's average weekly wage, as determined pursuant to subdivision (14)(B), except in instances of permanent total disability. Temporary total disability benefits paid to the injured worker shall not be included in calculating the maximum total benefit.

SECTION 4. Tennessee Code Annotated, Section 50-6-207(1), is amended by adding the following language as a new subdivision (D):

(D) An employee claiming a mental injury as defined by § 50-6-102(15) occurring on or after July 1, 2009, shall be conclusively presumed to be at maximum medical improvement upon the earliest occurrence of the following:

(i) At the time the treating psychiatrist concludes the employee has reached maximum medical improvement;

(ii) One hundred four (104) weeks after the employee has reached maximum medical improvement as a result of the physical injury or illness that is the proximate cause of the mental injury; or

(iii) One hundred four (104) weeks after the date of injury in the case of mental injuries where there is no underlying physical injury.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

**PASSED: June 18, 2009**

  
KENT WILLIAMS, SPEAKER  
HOUSE OF REPRESENTATIVES

  
RON RAMSEY  
SPEAKER OF THE SENATE

**APPROVED this 8th day of July 2009**

  
PHIL BREDESEN, GOVERNOR